

**DINSMORE
& SHOHL LLP****FACSIMILE TRANSMITTAL**

March 15, 2004

from **JAMES E. BEYER**

Direct: 937-449-6438 / Fax: 937-223-0724 / james.beyer@dinslaw.com

To:**Firm:** Patent and Trademark Office**Fax Number:** (703) 872-9306**Client Number:** BAT 0089 PA/40078.245**Pages:** 9
(including cover)**Comments:** Original will not follow.**RECEIVED
CENTRAL FAX CENTER**

MAR 15 2004

OFFICIAL

If there are any problems in receiving this transmission, please call Kerrie Cela at (937) 223-2050 immediately. Thank you.

Application of

Applicant : Toney
Serial No. : 10/658,122
Filed : 09/09/2003
Title : WAVELENGTH SEPARATION DEVICES INCORPORATING
MULTI-BARRIER PHOTONIC HETEROSTRUCTURES
Docket : BAT 0089 PA
Art Unit : 2874

Notice

This message is intended only for the use of the individuals or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this notice in error, please notify us immediately by telephone and return these papers to us at the address below via first class mail.

Dayton • One Dayton Centre • One South Main Street, Suite 500 • Dayton, OH 45402-2030 • Phone: (937) 223-2050

PAGE 1/9 * RCVD AT 3/15/2004 9:44:34 AM [Eastern Standard Time] * SVR:USPTO-EFAXRF-1/3 * DNIS:8729306 * CSID:9372230724 * DURATION (mm:ss):02:16

OFFICIAL**OFFICIAL** RECEIVED
CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 15 2004

Application of

Applicant : Toney
Serial No. : 10/658,122
Filed : 09/09/2003
Title : WAVELENGTH SEPARATION DEVICES INCORPORATING
MULTI-BARRIER PHOTONIC HETEROSTRUCTURES
Docket : BAT 0089 PA
Art Unit : 2874

OFFICIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being
facsimile transmitted to the Patent and Trademark
Office ((703) 872-9306) on March 15, 2004.



89,584
Page No.

Sir:

PRELIMINARY AMENDMENT

This paper is being filed prior to receipt of an Office Action in the above-noted application. Consideration of the present application is respectfully requested in light of the amendments and remarks below, which include, in order of appearance, beginning on separate sheets:

- Amendments to the Claims; and
- Remarks.